

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

LINDA MCINTOSH,)	
)	
Plaintiff,)	8:03CV528
)	
vs.)	THIRD AMENDED
)	FINAL PROGRESSION ORDER
CITY OF OMAHA, et al.,)	
)	
Defendants.)	

This matter is before the court following a telephone conference with counsel on May 5, 2005, and the plaintiff's Motion to Continue Deposition and Extend Discovery Deadline (Filing No. 29). Upon consideration, the motion is granted as set forth below.

IT IS ORDERED:

1. The plaintiff's Motion to Continue Deposition and Extend Discovery Deadline (Filing No. 29) is granted as set forth below.

2. Deposition Deadline. All depositions, whether or not they are intended to be used at trial, shall be completed by **June 23, 2005**.

3. Pretrial Disclosures. Pursuant to Fed. R. Civ. P. 26(a)(3), each party shall provide to all other parties the following information regarding the evidence that it may present at trial other than solely for impeachment purposes as soon as practicable but not later than the date specified:

A. **Deposition Testimony and Discovery - On or before June 23, 2005:** 1) The portions of each deposition, designated by page and line, that it intends to offer and 2) each discovery response of another party it intends to offer. Such designations and any objections thereto shall also be included in the final pretrial conference order. **See** NECivR 16.2.

B. **Trial Exhibits - On or before June 23, 2005:** A list of all exhibits it expects to offer by providing a numbered listing and permitting examination

of such exhibits. The parties shall also designate on the list those exhibits it may offer only if the need arises.

C. **Waiver of Objections** - Any objections to the use of witnesses, deposition designations, discovery responses, or exhibits shall be listed in the pretrial order. Failure to list objections (except those under Fed. R. Evid. 402 and 403) shall be deemed waived, unless excused by the court for good cause shown.

D. **Filing of Disclosures** - The filing of pretrial disclosures required by Fed. R. Civ. P. 26(a)(3) shall be deemed filed at the time of the filing of the Order on Final Pretrial Conference in this matter.

4. **Motions in Limine.** Any motions in limine shall be filed not later than **June 30, 2005**.

5. The pretrial conference remains scheduled on **June 30, 2005, at 10:00 a.m.** in chambers, Suite 2271, Roman L. Hruska United States Courthouse, 111 South 18th Plaza, Omaha, Nebraska. The final pretrial conference shall be attended by lead counsel for represented parties. Counsel shall complete prior to the pretrial conference, all items as directed in NECivR 16.2. By the time of the pretrial conference, full preparation for trial shall have been made so that trial may begin at any time during the session indicated below.

6. **Trial** is set to commence in Omaha, Nebraska, before the Honorable William J. Riley and a jury **at 8:30 a.m. on July 13, 2005**, in accordance with the trial scheduling order dated April 22, 2005. **See** Filing No. 24.

7. **No further extensions of these deadlines will be granted except on a showing that after an exercise of due diligence by the parties a manifest injustice would occur if a requested extension were not granted.**

DATED this 5th day of May, 2005.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge